

Executive Summary – Enforcement Matter – Case No. 51335
Southwest Convenience Stores, LLC
RN102349438
Docket No. 2015-1483-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

7 Eleven 57218, on United States Highway 287, approximately one mile southwest of Harrold, Wilbarger County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 22, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,800

Amount Deferred for Expedited Settlement: \$2,360

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$9,440

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 9, 2015

Date(s) of NOE(s): August 24, 2015

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Southwest Convenience Stores, LLC
RN102349438
Docket No. 2015-1483-IWD-E

Violation Information

1. Failed to calibrate the flow meter annually. Specifically, the flow meter had not been calibrated within the last twelve months [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 5].
2. Failed to comply with permitted effluent limitations for biochemical oxygen demand total suspended solids, and total chlorine residual [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TCEQ Permit No. WQ0003123000, Conditions of the Permit].
3. Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent failed to submit noncompliance notifications within five working days for the exceedances of permitted limitations by more than 40% for the months of May 2014, August 2014, October 2014, January 2015 and April 2015. The noncompliance notifications were submitted on June 20, 2015 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 7.c].
4. Failed to to comply with test procedures for the analysis of pollutants. Specifically, pH meter calibrations were not being performed each day that samples were analyzed with a minmum of two standards which bracket the pH values of the sample. In addition, the Respondent was not conducting manganese correction for total chlorine residual measurements and was not measuring for total chlorine residual values greater than 2.2 mg/L [30 TEX. ADMIN. CODE §§ 305.125(1), 319.6, 319.9(d) and 319.11(c) and TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Facility:

- a. On June 20, 2015, submitted written noncompliance notifications for effluent violations which deviated from the permitted effluent limitations by more than 40% to the TCEQ Abilene Regional office and the Enforcement Division.
- b. On August 31, 2015, calibrated the flow meter.
- c. By September 8, 2015, purchased pH standards, began calibrating the pH meter, purchased potassium iodide and sodium arsenite to conduct manganese correction for total chlorine residual, and begin measuring total chlorine residual values greater than 2.2 milligrams per liter (“mg/L”).
- d. By May 31, 2015, removed sludge and cleaned the chlorine contact chamber and returned to compliance with permitted effluent limitations.

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Technical Requirements:

The Order will require Respondent to:

- a. Update the Facility's operational guidance and conduct employee training to ensure that all reporting requirements are properly accomplished, including the timely submittal of noncompliance notifications, in accordance with TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 7.c.
- b. Within 45 days, submit written certification demonstrating compliance with a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Yossi Lipman, President, Southwest Convenience Stores, LLC, 12700 Park Central, Suite 1600, Dallas, Texas 75251

Scott Prall, Director of Fuel, Southwest Convenience Stores, LLC, 12700 Park Central, Suite 1600, Dallas, Texas 75251

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	31-Aug-2015	Screening	8-Sep-2015	EPA Due	
	PCW	22-Sep-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Southwest Convenience Stores, LLC		
Reg. Ent. Ref. No.	RN102349438		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51335	No. of Violations	4	
Docket No.	2015-1483-IWD-E	Order Type	1660	
Media Program(s)	Water Quality	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Cheryl Thompson	
		EC's Team	Enforcement Team 3	
Admin. Penalty \$ Limit Minimum		\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,450
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$49		
Estimated Cost of Compliance	\$1,625		

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,800
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$11,800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,800
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,360
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$9,440
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Screening Date 8-Sep-2015

Docket No. 2015-1483-IWD-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 4 (April 2014)

Case ID No. 51335

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102349438

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 8-Sep-2015

Docket No. 2015-1483-IWD-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 4 (April 2014)

Case ID No. 51335

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102349438

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0003123000, Monitoring Requirements No. 5

Violation Description Failed to calibrate the flow meter annually, as documented during an investigation conducted on July 9, 2015. Specifically, the flow meter had not been calibrated within the past twelve months.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

53 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$75

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent returned to compliance on August 31, 2015.

Violation Subtotal \$675

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$675

This violation Final Assessed Penalty (adjusted for limits) \$675

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC

Case ID No. 51335

Reg. Ent. Reference No. RN102349438

Media Water Quality

Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$450	9-Jul-2015	31-Aug-2015	0.15	\$3	n/a	\$3

Notes for DELAYED costs

Actual cost to calibrate the flow meter. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$450

TOTAL

\$3

Screening Date 8-Sep-2015

Docket No. 2015-1483-IWD-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 4 (April 2014)

Case ID No. 51335

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102349438

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)(1), and TCEQ Permit No. WQ0003123000, Conditions of the Permit

Violation Description

Failed to comply with permitted effluent limitations, as documented during an investigation conducted on July 9, 2015, and as shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 4

154 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Four quarterly events are recommended for the quarters containing the months of May 2014, August 2014, October 2014, January 2015, and April 2015.

Good Faith Efforts to Comply

25.0%

Reduction \$1,250

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent returned to compliance on May 31, 2015.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$3,750

This violation Final Assessed Penalty (adjusted for limits) \$3,750

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC

Case ID No. 51335

Reg. Ent. Reference No. RN102349438

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-May-2014	31-May-2015	1.00	\$25	n/a	\$25

Notes for DELAYED costs

Estimated cost to remove sludge and clean the chlorine contact chamber to achieve compliance with permitted effluent limitations. Date required is the first month of noncompliance. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$25

Screening Date 8-Sep-2015

Docket No. 2015-1483-IWD-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 4 (April 2014)

Case ID No. 51335

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102349438

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 7.c

Violation Description

Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, as documented during an investigation conducted on July 9, 2015. Specifically, the Respondent failed to submit noncompliance notifications within five working days for the exceedances of permitted limitations by more than 40% for the months of May 2014, August 2014, October 2014, January 2015 and April 2015. The noncompliance notifications were submitted on June 20, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 5

466 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$6,250

Five single events are recommended, one event for each delinquent notification.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$6,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$6,250

This violation Final Assessed Penalty (adjusted for limits) \$6,250

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC

Case ID No. 51335

Reg. Ent. Reference No. RN102349438

Media Water Quality

Violation No. 3

Percent Interest

Years of Depreciation

5.0

15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	9-Jul-2015	11-Jun-2016	0.93	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	5-Jun-2014	20-Jun-2015	1.04	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to prepare and submit the noncompliance notifications (5 x 25) to the TCEQ Abilene Regional office and the Enforcement Division and to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished, including the timely submittal of noncompliance notifications. Dates required are the date the first noncompliance notification was due and the investigation date. Final dates are the date the noncompliance notifications were submitted and the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$375

TOTAL

\$18

Screening Date 8-Sep-2015

Docket No. 2015-1483-IWD-E

PCW

Respondent Southwest Convenience Stores, LLC

Policy Revision 4 (April 2014)

Case ID No. 51335

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102349438

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1), 319.6, 319.9(d) and 319.11(c) and TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 2

Violation Description

Failed to comply with test procedures for the analysis of pollutants, as documented during an investigation conducted on July 9, 2015. Specifically, pH meter calibrations were not being performed each day that samples were analyzed with a minimum of two standards which bracket the pH values of the sample. In addition the Respondent was not conducting manganese correction for total chlorine residual measurements and was not measuring for total chlorine residual values greater than 2.2 milligrams per liter ("mg/L").

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended for the period of July 9, 2015 (investigation date) to September 8, 2015 (date of compliance).

Good Faith Efforts to Comply

10.0%

Reduction \$125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent returned to compliance on September 8, 2015.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent Southwest Convenience Stores, LLC
Case ID No. 51335
Reg. Ent. Reference No. RN102349438
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$300	9-Jul-2015	8-Sep-2015	0.17	\$3	\$3

Notes for DELAYED costs

Estimated cost to purchase pH standards; to calibrate the pH meter; to purchase potassium iodide and sodium arsenite to conduct manganese correction for total chlorine residual; and to begin measuring total chlorine residual values greater than 2.2 mg/L. Date required is the investigation date. Final date is the date of compliance

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$3

Southwest Convenience Stores, LLC
TCEQ Permit No. WQ0003123000
Docket No. 2015-1483-IWD-E

Effluent Violation Table			
	Biochemical Oxygen Demand 5-day Daily Max.	Total Suspended Solids Daily Max.	Total Chlorine Residual Daily Min.
Month/Year	Limit = 65 mg/L	Limit = 65 mg/L	Limit = 1.0 mg/L
May 2014	c	c	0.02
August 2014	c	c	0.06
October 2014	c	418	0.58
January 2015	260	1,520	0.12
April 2015	110	130	c

Min. = minimum c=compliant Max. = maximum mg/L = milligrams per liter

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN601563778, RN102349438, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN601563778, Southwest Convenience Stores, LLC **Classification:** SATISFACTORY **Rating:** 0.31

Regulated Entity: RN102349438, 7 Eleven 57218 **Classification:** HIGH **Rating:** 0.00

Complexity Points: 11 **Repeat Violator:** NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: UNITED STATES HIGHWAY 287, APPROXIMATELY ONE MILE SOUTHEAST OF HARROLD IN WILBARGER COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION **WASTEWATER PERMIT** WQ0003123000
REGISTRATION 46347
STORMWATER PERMIT TXR05T321 **LEAKING PETROLEUM STORAGE TANKS REMEDIATION**
ID NUMBER 119596

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: September 22, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 22, 2010 to September 22, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Cheryl Thompson **Phone:** (817) 588-5886

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 20, 2012	(1022008)
Item 2	August 11, 2014	(1185979)
Item 3	May 18, 2015	(1247473)
Item 4	July 06, 2015	(1260556)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SOUTHWEST CONVENIENCE
STORES, LLC
RN102349438**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-1483-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Southwest Convenience Stores, LLC ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located on United States Highway 287, approximately one mile southeast of Harrold, Wilbarger County, Texas (the "Facility").
2. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 29, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eleven Thousand Eight Hundred Dollars (\$11,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Thousand Four Hundred Forty Dollars (\$9,440) of the administrative penalty and Two Thousand Three Hundred Sixty Dollars (\$2,360) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On June 20, 2015, submitted written noncompliance notifications for effluent violations which deviated from the permitted effluent limitations by more than 40% to the TCEQ Abilene Regional office and the Enforcement Division.
 - b. On August 31, 2015, calibrated the flow meter.
 - c. By September 8, 2015, purchased pH standards, began calibrating the pH meter, purchased potassium iodide and sodium arsenite to conduct manganese correction for total chlorine residual, and begin measuring total chlorine residual values greater than 2.2 milligrams per liter ("mg/L").
 - d. By May 31, 2015, removed sludge and cleaned the chlorine contact chamber and returned to compliance with permitted effluent limitations.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to calibrate the flow meter annually, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 5, as documented during an investigation conducted on July 9, 2015. Specifically, the flow meter had not been calibrated within the last twelve months.
2. Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)(1), and TCEQ Permit No. WQ0003123000, Conditions of the Permit, as documented during an investigation conducted on July 9, 2015, and as shown in the table below:

Effluent Violation Table			
	Biochemical Oxygen Demand 5-day Daily Max.	Total Suspended Solids Daily Max.	Total Chlorine Residual Daily Min.
Month/Year	Limit = 65 mg/L	Limit = 65 mg/L	Limit = 1.0 mg/L
May 2014	c	c	0.02
August 2014	c	c	0.06
October 2014	c	418	0.58
January 2015	260	1,520	0.12
April 2015	110	130	c

Min = minimum c =compliant Max. = maximum mg/L = milligrams per liter

3. Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Abilene Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 7.c, as documented during an investigation conducted on July 9, 2015. Specifically, the Respondent failed to submit noncompliance notifications within five working days for the exceedances of permitted limitations by more than 40% for the months of May 2014, August 2014, October 2014, January 2015 and April 2015. The noncompliance notifications were submitted on June 20, 2015.
4. Failed to to comply with test procedures for the analysis of pollutants, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 319.6, 319.9(d) and 319.11(c) and TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 2, as documented during an investigation conducted on July 9, 2015. Specifically, pH meter calibrations were not being performed each day that samples were analyzed with a minmum of two standards which bracket the pH values of the sample. In addition the Respondent was not

conducting manganese correction for total chlorine residual measurements and was not measuring for total chlorine residual values greater than 2.2 mg/L.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Southwest Convenience Stores, LLC, Docket No. 2015-1483-IWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Update the Facility's operational guidance and conduct employee training to ensure that all reporting requirements are properly accomplished, including the timely submittal of noncompliance notifications, in accordance with TCEQ Permit No. WQ0003123000, Monitoring Requirements No. 7.c.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and

accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

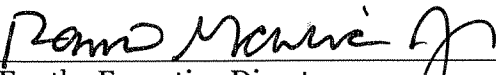
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/21/16

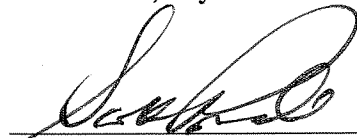
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11-24-15

Date

SCOTT PRALL

Name (Printed or typed)
Authorized Representative of
Southwest Convenience Stores, LLC

Division of Public

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.